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September 9, 2011

ECF FILED

The Honorable Joan E. Erickson
United States District Court
12W U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Re: TimeBase Pty Ltd. v. The Thomson Corp., et al.
Civil No. 07-cv-1687 (JNE/JJG)

Dear Judge Erickson:

TimeBase filed a Partial Motion for Summary Judgment of No Invalidity on July 1, 2011. (Dkt. No. 244.) Defendants did not oppose TimeBase's motion, and have been diligently working with TimeBase to negotiate a stipulated order granting that motion. Unfortunately, the parties have been unable to agree upon the language for that order; therefore, defendants now separately submit a proposed order for the Court's consideration.

Defendants are submitting a proposed order via e-mail, which Defendants believe best provides the relief that TimeBase seeks. In its Summary Judgment Brief, TimeBase specifically asked for Summary Judgment "with respect to the entirety of the defendants' §§ 102 and 103 contentions, and with respect to all but the single § 112 contention addressed in Dr. Stonebraker's report." (Dkt. No. 246, at 29.) Defendants' proposed order accomplishes just that. The additional language suggested by TimeBase is not only unnecessary, but goes beyond the relief TimeBase requested in its motion. Therefore, defendants respectfully request that the Court adopt the defendants' proposed order rather than the alternative proposed order submitted by TimeBase.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mary V. Sooter".

Mary V. Sooter

cc Joseph N. Hosteny
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